

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

11 NORTHSTAR FINANCIAL ADVISORS, INC.,) Case No. 08-CV-04119 LHK
12 on Behalf of Itself and All Others Similarly)
13 Situated,)
14 Plaintiff,)
15 v.)
16 SCHWAB INVESTMENTS; and MARIANN) ORDER DENYING MOTIONS TO
17 BYERWALTER, DONALD F. DORWARD,) CONSOLIDATE AND TO APPOINT
18 WILLIAM A. HASLER, ROBERT G.) LEAD COUNSEL
19 HOLMES, GERALD B. SMITH, DONALD R.)
20 STEPHENS, MICHAEL W. WILSEY,)
21 CHARLES R. SCHWAB, RANDALL W.)
22 MERK, JOSEPH H. WENDER and JOHN F.)
23 COGAN as TRUSTEES OF SCHWAB)
24 INVESTMENTS; and CHARLES SCHWAB)
25 INVESTMENT MANAGEMENT, INC.,)
26 Defendants.)
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On October 11, 2010, defendants filed a Motion to Consolidate this matter with a related case, *Smit v. Charles Schwab & Co., Inc.*, No. 10-cv-03971-LHK. Plaintiff Northstar filed a statement saying it did not oppose consolidation, but urged the Court to wait to decide this issue until after then-pending Motions to Dismiss had been decided in both the *Northstar* and *Smit* matters.

1 On November 19, 2010, plaintiff Northstar filed a Motion to be Appointed Interim Lead
2 Class and Liason Counsel regarding both this matter and the *Smit* matter. Attorneys for Plaintiffs
3 in the *Smit* matter opposed this Motion; defendants did not oppose.

4 At the January 13, 2011 hearing on the Motion to Dismiss in Northstar, counsel for the
5 *Northstar* plaintiffs, the *Smit* plaintiffs, and defendants in both actions agreed that these Motions
6 should be denied without prejudice, pending resolution of the Motions to Dismiss in both matters.
7 The Court has now dismissed the claims in both matters, with leave to amend certain claims. The
8 Court therefore finds that the Motion to Consolidate and the Motion to Appoint Interim Lead and
9 Liason Class Counsel are moot. These Motions are DENIED without prejudice to the parties
10 raising these issues again when and if amended complaints are filed in the two actions.

11 **IT IS SO ORDERED.**

12 Dated: March 9, 2011



LUCY H. KOH
United States District Judge